

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

CECIL SHIELDS

**DEFENDANTS**

NCO FINANCIAL SYSTEMS, INC.

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_

County of Residence of First Listed Defendant \_\_\_\_\_

(c) Attorney's (Firm Name, Address, Telephone Number and Email Address)

Craig Thor Kimmel, Esquire  
Kimmel & Silverman, P.C.  
30 E. Butler Pike  
Ambler, PA 19002  
(215) 540-8888

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

**V. ORIGIN**

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
15 U.S.C. SECTION 1692Brief description of cause:  
Fair Debt Collection Practices Act**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S)**

(See instructions):

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

Explanation:

DATE

SIGNATURE OF ATTORNEY OF RECORD

08/16/12

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

CECIL SHIELDS	:	CIVIL ACTION
	:	
v.	:	
	:	
NCO FINANCIAL SYSTEMS, INC.	:	NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. (X)
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ( )

08/16/12  
Date

Craig Thor Kimmel  
Attorney-at-law

Plaintiff, Cecil Shields  
Attorney for

215-540-8888  
Telephone

877-788-2864  
FAX Number

kimmel@creditlaw.com  
E-Mail Address

## UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 143 Bay 49th St. Brooklyn, NY 11214

Address of Defendant: 507 Prudential Rd., Horsham PA 19044

Place of Accident, Incident or Transaction: \_\_\_\_\_  
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases ISU.S.C. § 1962  
(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases  
(Please specify)

### ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Craig Thor Kimmel, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: 08/16/12

Attorney-at-Law

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 08/16/12

Attorney-at-Law

Attorney I.D.#

1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 EASTERN DISTRICT OF PENNSYLVANIA

4 CECIL SHIELDS, )  
5 )  
6 Plaintiff )  
7 ) Case No.:  
8 v. )  
9 ) COMPLAINT AND DEMAND FOR  
10 NCO FINANCIAL SYSTEMS, INC., ) JURY TRIAL  
11 )  
12 Defendant ) (Unlawful Debt Collection Practices)

13 COMPLAINT

14 CECIL SHIELDS ("Plaintiff"), by and through his attorneys, KIMMEL &  
15 SILVERMAN, P.C., alleges the following against NCO FINANCIAL SYSTEMS, INC.,  
16 ("Defendant"):

17 INTRODUCTION

18 1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15  
19 U.S.C. § 1692 *et seq.* ("FDCPA").

20 JURISDICTION AND VENUE

21 2. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states  
22 that such actions may be brought and heard before "any appropriate United States district court  
23 without regard to the amount in controversy," and 28 U.S.C. § 1331 grants this court original  
24 jurisdiction of all civil actions arising under the laws of the United States.

25 3. Defendant conducts business and has its principal office located in the  
Commonwealth of Pennsylvania; therefore, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(1).

**PARTIES**

5. Plaintiff is a natural person residing in Brooklyn, New York 11214 at the time of the alleged harassment.

6. Plaintiff is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).

7. In the alternative, Plaintiff is a person granted a cause of action under the FDCPA. See 15 U.S.C. § 1692k(a) and Wenrich v. Cole, 2000 U.S. Dist. LEXIS 18687 (E.D. Pa. Dec. 22, 2000).

8. Defendant is a national debt collection company with its corporate headquarters located at 507 Prudential Road, Horsham, Pennsylvania 19044.

9. Defendant is a “debt collector” as that term is defined by 15 U.S.C. § 1692a(6), and repeatedly contacted Plaintiff in an attempt to collect a debt.

10. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

**FACTUAL ALLEGATIONS**

11. At all relevant times, Defendant was attempting to collect an alleged consumer debt from Plaintiff.

12. Upon information and belief, the alleged debt arose out of transactions, which were primarily for personal, family, or household purposes.

13. Beginning in November 2011 and continuing through April 10, 2012, Defendant repeatedly and continuously contacted Plaintiff on his home and cellular telephones in its attempts to collect a debt.

1           14. During the relevant period, Defendant contacted Plaintiff, on average, two (2)  
2 times a day, sometimes calling him as frequently as four (4) times a day, which caused Plaintiff  
3 to receive more than ten (10) collection calls a week.

4           15. Plaintiff received numerous calls from Defendant which appeared on his caller id  
5 as "Unknown." Plaintiff knew it was Defendant calling because an automated message was  
6 placed on his answering machine stating that the call was from "NCO Financial Systems,  
7 Incorporated."

8           16. In these messages, various persons were identified for Plaintiff to call at  
9 Defendant's call centers, for example a person identified as "Diane Myers" at "(800) 334-0626,"  
10 a number the undersigned has confirmed belongs to Defendant.

11           17. During his conversations with the debt collectors, Defendant refused to provide  
12 any information about the debt, despite repeated requests.

13           18. Where Plaintiff was able to speak with a live collector, he clearly instructed all  
14 calls to cease and for Defendant to stop "harassing" him.

15           19. During conversations, Defendant would not disclose the purpose of calls until  
16 Plaintiff provided his social security number and date of birth, information which Defendant had  
17 no legal right to demand as a prerequisite to mandatory FDCPA disclosures.

18           20. Plaintiff did not want to provide this information disclosed to Defendant until the  
19 collector would indicate the reason for the calls contacted and details about the debt.

20           21. Moreover, in at least one conversation Plaintiff was told that he had to cooperate  
21 or face possible legal consequences, which included the threat of legal action against him.

22           22. Upon information and belief, at the time Defendant made these statements to, no  
23 legal action was intended to be taken.  
24  
25

1        23.     Despite Plaintiff's instructions to stop harassing him, Defendant continued to call  
2 in its attempts to collect a consumer debt.

3        24.     Lastly, within five (5) days of its initial communication with Plaintiff, Defendant  
4 failed to send Plaintiff written notification of his rights to dispute the debt and/or request  
5 verification as well as informing him of the amount of the debt and the name of the creditor.

6        25.     Defendant has not sent any written correspondence to Plaintiff and to date, no  
7 details of the claimed debt, original creditor or amount are known.

8        26.     Defendant's actions were intentionally harassing in the manner it placed phone  
9 calls and deceptive in that demands were made for personal information as a perquisite to  
10 FDCPA disclosures that Defendant was required to make to Plaintiff.

11                    **DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

12                                    **COUNT I**

13        27.     Defendant's conduct, detailed in the preceding paragraphs, violated 15 U.S.C.  
14 §§1692d and 1692d(5).  
15

16                    a.     A debt collector violates § 1692d of the FDCPA by engaging in conduct  
17 the natural consequence of which is to harass, oppress, or abuse any person  
18 in connection with the collection of a debt.

19                    b.     Section 1692d(5) of the FDCPA prohibits debt collectors from causing a  
20 telephone to ring or engaging any person in telephone conversation  
21 repeatedly or continuously with the intent to annoy, abuse, or harass any  
22 person at the called number.

23                    c.     Here, Defendant violated §§1692d and 1692d(5) of the FDCPA when it  
24 called Plaintiff's home and cellular telephones, multiple times a day, on a  
25

1 daily basis, in attempts to harass Plaintiff in connection with the collection  
2 of the debt.

- 3 d. Furthermore, Defendant violated §1692d of the FDCPA by continuing to  
4 call Plaintiff after he informed them that its calls were harassing.

5 **COUNT II**

6 28. Defendant's conduct, detailed in the preceding paragraphs, violated 15 U.S.C.  
7 §§1692e and 1692e(5).

- 8 a. A debt collector violates §1692e of the FDCPA by using any false, deceptive,  
9 or misleading representation or means in connection with the collection of  
10 any debt; and  
11 b. A debt collector violates §1692e(5) of the FDCPA by threatening to take any  
12 action that cannot legally be taken or that is not intended to be taken.  
13 c. Here, Defendant violated §§1692e and 1692e(5) of the FDCPA by falsely  
14 implying to Plaintiff that it will take legal action if Plaintiff does not  
15 cooperate with it, despite lacking the legal authority and/or intent to take  
16 such actions at the time it made these threats.

17 **COUNT III**

18 29. Defendant's conduct, as detailed in the preceding paragraphs, violated 15 U.S.C.  
19 §1692f.

- 20 a. A debt collector violates §1692f of the FDCPA by using unfair or  
21 unconscionable means to collect or attempt to collect any debt.  
22 b. Here, Defendant violated §1692f of the FDCPA engaging in other unfair  
23 and unconscionable debt collection practices, including requiring that  
24  
25



1 Plaintiff provide personal information (social security number and date of  
2 birth) before it would tell Plaintiff why it was calling.

3 **COUNT IV**

4 30. Defendant's conduct, detailed in the preceding paragraphs, violated 15 U.S.C.  
5 §1692g(a).

6 a. A debt collector violates §1692g(a) of the FDCPA by failing to send to the  
7 consumer, within five days after its initial communication with a consumer  
8 in connection with the collection of a debt, a written notice containing: (1)  
9 the amount of the debt; (2) the name of the creditor to whom the debt is  
10 owed; (3) a statement that unless the consumer, within thirty days after  
11 receipt of the notice, disputes the validity of the debt, or any portion  
12 thereof, the debt will be assumed to be valid by the debt collector; (4) a  
13 statement that if the consumer notifies the debt collector in writing within  
14 the thirty-day period that the debt, or any portion thereof, is disputed, the  
15 debt collector will obtain verification of the debt or a copy of a judgment  
16 against the consumer and a copy of such verification or judgment will be  
17 mailed to the consumer by the debt collector; and (5) a statement that, upon  
18 the consumer's written request within the thirty-day period, the debt  
19 collector will provide the consumer with the name and address of the  
20 original creditor, if different from the current creditor.

21  
22 b. Here, Defendant violated §1692g(a) of the FDCPA by failing to send  
23 written notification, within five (5) days after its initial communication  
24 with Plaintiff, advising Plaintiff of his rights to dispute the debt or request  
25

1 verification of the debt or providing his with the name of the original  
2 creditor and the amount of the debt.

3 WHEREFORE, Plaintiff, CECIL SHIELDS, respectfully prays for a judgment as  
4 follows:

- 5 a. All actual damages suffered pursuant to 15 U.S.C. § 1692k(a)(1);  
6 b. Statutory damages of \$1,000.00 for the violation of the FDCPA pursuant to  
7 15 U.S.C. § 1692k(a)(2)(A);  
8 c. All reasonable attorneys' fees, witness fees, court costs and other litigation  
9 costs incurred by Plaintiff pursuant to 15 U.S.C. § 1693k(a)(3); and  
10 d. Any other relief deemed appropriate by this Honorable Court.


11 **DEMAND FOR JURY TRIAL**

12 PLEASE TAKE NOTICE that Plaintiff, CECIL SHIELDS, demands a jury trial in this  
13 case.

14  
15 DATED: 08/16/12

16 RESPECTFULLY SUBMITTED,

17 KIMMEL & SILVERMAN, P.C.

18 By:   
19 Craig Thor Kimmel  
20 Attorney ID # 57100  
21 Kimmel & Silverman, P.C.  
22 30 E. Butler Pike  
23 Ambler, PA 19002  
24 Phone: (215) 540-8888 ext. 116  
25 Fax: (877) 788-2864  
Email: [kimmel@creditlaw.com](mailto:kimmel@creditlaw.com)